MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2021/2022

UCS2612 CONSUMER LAW

(All Sections / Groups)

10 AUGUST 2022

Reading Time: 9.00am-9.15am
Answering Time: 9.15am-12.15pm
(3 Hours 15 Minutes)

INSTRUCTIONS TO STUDENT

1. Students will have fifteen minutes during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining THREE HOURS in which to answer the questions.
2. Students are not allowed to bring in any materials including the Consumer Protection Act 1999 Statute Book into the exam hall.
3. This Question paper consists of 3 pages with 5 Questions only.
4. Attempt **two (2)** questions from **Part A**. Questions **Four** and **Five** are **compulsory**. All questions carry equal marks and the distribution of the marks for each question is given.
5. Please write all your answers in the Answer Booklet provided.

PART A

ANSWER TWO (2) QUESTIONS

QUESTION 1

A significant development in the law of services is the statutorily implied guarantees and their accompanying remedies that have been included in the **Consumer Protection Act 1999**.

Discuss the implied guarantees that are applied in a transaction of services and justify if the accompanying remedies are adequate in protecting consumers.

(Total: 25 marks)

QUESTION 2

"*Product liability law is associated with consumers' right to damages. Product liability law is necessary in order to provide protection to consumers.*"

(Rahmah Ismail et al, *Product Liability Law under the Malaysian Consumer Protection Act 1999: Justice for Consumers? (2015)*)

Illustrate the various types of defects and defences under product liability, and explain whether the **Consumer Protection Act 1999** is able to give adequate protection to consumers in this regard.

(Total: 25 marks)

QUESTION 3

Terry Jeffords purchased a pink coloured yogurt machine on the 30th of June 2021 from Yogi Machine Sdn Bhd for RM 3000.00. A week after the purchase, he was upset since the yogurt machine he received was red in colour. He became even more frustrated when the yogurt machine was not functioning. He contacted Yogi Machine Sdn Bhd and explained his dissatisfaction with the colour of the machine and its lack of functionality.

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He was advised by the customer service personnel to return the machine to their headquarters for a thorough inspection and repair service. Since the machine parts were from Korea, Terry only received the machine back from headquarters after two months.

Satisfied and excited to put the machine to use, Terry becomes enraged when he is faced with yet another problem. The yogurt machine only worked for three cycles after which the machine overheats and he has no choice but to turn it off.

Once again, he made a call to Yogi Machine Sdn Bhd to explain the new problem. He was told that he would have to wait for another two months in order to have the problem rectified as the machine parts would have to be shipped from Korea once again. Furious with the company, Terry wishes to obtain a full refund for the yogurt machine as he believed it was of very poor quality. Additionally, Yogi Machine Sdn Bhd failed to provide adequate repair and maintenance services for the machine.

Advise Terry as to his rights and possible claim for refund under the **Consumer Protection Act 1999.** Justify your answer with reference to relevant sections and case law.

(Total: 25 marks)

PART B (COMPULSORY)
ANSWER ALL QUESTIONS

QUESTION 4

The creation and implementation of governmental as well as non-governmental organisations was designed to ensure and boost consumer protection in Malaysia.

Based on the statement above, explain the various organisations that have the responsibility of enforcing consumer laws and whether efficient protection of consumers have been achieved.

(Total: 25 marks)

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QUESTION 5

(a) Discuss the extended meaning of 'interest in land' as laid down in the **Consumer Protection Act 1999.**

(10 marks)

(b) Ryan is a real estate agent. One day, a customer approached him to sell a plot of land which is situated near a mining area in Pahang. Ryan seeks your advice in order to avoid any misunderstanding with his prospective customer. Explain to Ryan the various false representations and misleading conducts in relation to land that are stated in the **Consumer Protection Act 1999.**

(15 marks)

(Total: 25 marks)

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